

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE TRICOR DIRECT PURCHASER	)	
ANTITRUST LITIGATION	)	CASE NO. 05-340 (KAJ)
	)	(consolidated)
THIS DOCUMENT RELATES TO:	)	
ALL ACTIONS	)	
	)	
IN RE INDIRECT PURCHASER	)	CASE NO. 05-360 (KAJ)
ANTITRUST LITIGATION	)	(consolidated)
	)	
THIS DOCUMENT RELATES TO:	)	
ALL ACTIONS	)	

**FIRST AMENDED NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6) OF,  
AND REQUEST FOR THE PRODUCTION OF DOCUMENTS TO, DEFENDANT  
ABBOTT LABORATORIES**

**TO ALL COUNSEL ON ATTACHED SERVICE LIST:**

PLEASE TAKE NOTICE that, pursuant to the provisions of Rule 30(b)(6) of the Federal Rules of Civil Procedure, Direct Purchaser Class Plaintiffs, Louisiana Wholesale Drug Company, Inc., Rochester Drug Co-Operative, Inc., Meijer, Inc. and Meijer Distribution, Inc., and the Indirect Purchaser Plaintiffs (collectively "Plaintiffs") will take the deposition upon oral examination of Defendant Abbott Laboratories ("Abbott"), commencing on April 21, 2006, beginning at 9:30 a.m., and continuing from day to day thereafter until completed, at the offices of Winston & Strawn, 35 West Wacker Drive, Chicago, IL 60601. The deposition will be taken before a notary public or other officer duly authorized to administer oaths and take testimony, and will be recorded by stenographic means and may be audiotaped and/or videotaped.

In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott is hereby notified of its obligation to designate one or more officer, director, or managing agent, or other person who consents to testify on behalf of Abbott with respect to the matters set forth on the attached Schedule "A", and to produce documents in response to the matters set forth on the attached Schedule "B" by April 14, 2006. The person(s) so designated shall be required to testify as to each of those matters known or reasonably available to Abbott.

Plaintiffs hereby incorporate by reference the Definitions, Instructions, and Relevant Time Period set forth in Coordinated Direct Purchaser Plaintiffs' First Set of Document Requests to Defendants Abbott Laboratories, Fournier Industrie et Sante and Laboratories Fournier S.A.

Dated: April 10, 2006

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**SCHEDULE A**

**MATTERS ON WHICH EXAMINATION IS REQUESTED:**

1. The pricing of Tricor including, without limitation, any actual, published, potential, or expected prices or other terms for the sale of Tricor to any customer, category of customer, or class of trade, including discounts, rebates, chargebacks, and/or other adjustments to price or quantity and the basis on which same are calculated or determined.
2. Projected or actual effects and/or impact of the entry of generic fenofibrate on: (a) direct or WAC price; (b) contract price to any customer or class of trade; and/or (c) discounts and/or rebates to any customer (whether direct or contract) or class of trade; and (d) drugs prescribed and taken for the same uses as Tricor and/or fenofibrates.
3. Manuals, matrices, policies, guidelines and/or formulas developed to calculate, figure, or otherwise determine price and/or adjustments to the price (or quantity) of Tricor for each customer, class of trade, market segment, and/or subgroup thereof.
4. Contracts for the sale of Tricor that, in whole or in part (a) generate chargebacks, (b) provide for an entity other than Abbott to ship and/or sell Tricor to a contracting party, and/or (c) provide for an entity to purchase directly from Abbott.
5. Process(es), method(s), strategies, and/or procedures that you proposed, considered or used for setting or establishing the prices (whether direct or contract, and including rebates, discounts, and/or chargebacks) for Tricor or any fenofibrate product.
6. Actual and or forecasted effects of the market entry and/or delayed market entry of generic fenofibrate on the unit and dollar sales and market share of (a) Tricor; (b) generic fenofibrate; and (c) drugs prescribed and taken for the same uses as Tricor and/or fenofibrates.

**SCHEDULE B**

**DOCUMENTS REQUESTED**

Plaintiffs hereby incorporate by reference the Definitions, Instructions, and Relevant Time Period set forth in Coordinated Direct Purchaser Plaintiffs' First Set of Document Requests to Defendants Abbott Laboratories, Fournier Industrie et Sante and Laboratories Fournier S.A.

1. Plaintiffs request the production of all documents relating or referring to the topics set forth in Schedule "A" that have not already been produced in this litigation.
2. Plaintiffs request the production of the transcript of, and exhibits to, Joseph Fiske's deposition in *In re Terazosin HCL Antitrust Litigation*, 99-MDL-1317 (S.D. Fla.).

## CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2006, I electronically filed the foregoing FIRST AMENDED NOTICE OF DEPOSITION UNDER FED. R. CIV. P 30(b)(6) OF, AND REQUEST FOR THE PRODUCTION OF DOCUMENTS TO, DEFENDANT ABBOTT LABORATORIES using CM/ECF, which will send notification of such filing to all registered participants, including:

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I hereby certify that on April 10, 2006 I sent by electronic mail the foregoing document to the following non-registered participants:

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